99TH CONGRESS
2d Session

COMPLETED

HOUSE OF REPRESENTATIVES

1.1/8: 99-514

REPORT
99-514

EDWIN RIOS AND GEOVANNA RIOS

APRIL 9, 1986.—Committed to the Committee of the Whole House and ordered to be printed

Mr. BERMAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 483]

The Committee on the Judiciary to whom was referred the bill (H.R. 483), for the relief of Edwin Rios and Geovanna Rios, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Amend the title so as to read: "For the relief of Edwin Marcos Rios (also known as Marcos Edwin Rios) and Geovanna Rios."

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Edwin Marcos Rios (also known as Marcos Edwin Rios) and Geovanna Rios may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition which shall be eligible to be filed in their behalf in the United States by Robert and Nelly Oliva, citizens of the United States, pursuant to section 204 of the Act, and thereafter the beneficiaries shall be eligible for processing under section 245 of the Act: *Provided*, That the immigration status authorized under this Act shall only be effective if Robert and Nelly Oliva file a petition within two years after the date of enactment of this Act.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the adjustment of status to that of permanent residence in the United States of the adopted children of citizens of the United States. The bill has been amended in accordance with Committee precedents and provides that the relief be sought within two years of enactment.

STATEMENT OF FACTS

Beneficiaries are 21 and 18 year old natives and citizens of Bolivia who entered the United States as visitors January 11, 1983. They

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are the nephew and niece of United States citizens who adopted them July 29, 1983 and February 14, 1985, respectively, in the United States. The natural mother died in March, 1981 of cancer and the father died in September of that same year. Mr. and Mrs. Oliva commenced efforts for guardianship and provided support since that time. Their fourteen year old brother was also brought to the United States in 1983 with the beneficiaries and has been adopted. Mr. and Mrs. Oliva have been married since 1980 and earn $40,000 with assets of $400,000, including a home and other property. A favorable home study has been submitted.

The pertinent facts in this case are contained in a letter dated February 6, 1985, from the Commissioner of the Immigration and Naturalization Service to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, February 6, 1985.

A23-708-138.
A24-748-300.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 483) for the relief of Edwin Rios and Geovanna Rios, who were also the beneficiaries of H.R. 5650, 98th Congress, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that visa number deductions be made.

The beneficiaries, natives of Bolivia, are chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs.)

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 483

The beneficiary, Edwin Rios, whose complete name is Marcos Edwin Rios, also known as Marcos Edwin Oliva, was born in Bolivia on June 18, 1964 and is single. He resides in Burbank, California with his adoptive parents. The beneficiary is now a student at Los Angeles Valley College, North Hollywood, California. He has never been employed, has no assets, and derives all of his income from his adoptive parents.

The beneficiary, Geovanna Rios, whose complete name is Geovanna Clemencia Rios, also known as Geovanna Gra-

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ciela Oliva, was born in Bolivia on March 15, 1967 and is single. She resides in Burbank, California with her adoptive parents and is a senior at John Burroughs High School in Burbank, California. She has never been employed, has no assets, and derives all her income from her adoptive parents.

The beneficiaries and their brother, Robert Rios who was born March 6, 1970 in Bolivia, entered the United States on January 11, 1983 as visitors for pleasure and were admitted until January 30, 1983. The beneficiary, Edwin Rios, subsequently applied for a change of status to that of a nonimmigrant student, which was denied on April 25, 1984. The beneficiary, Geovanna Rios, never applied for a change of status. Both of the beneficiaries presented themselves to this Service for processing as deportable aliens. Deportation proceedings have been initiated.

The interested parties and adoptive parents, Robert and Nelly Oliva, were married January 12, 1980 in Los Angeles, California. They are naturalized citizens of the United States. They reside in Burbank, California with the beneficiaries, Robert Rios, and Mr. Oliva's four United States citizen children of a former marriage. Their dates of birth are October 25, 1964, March 18, 1966, September 1, 1970 and June 15, 1971. Mrs. Oliva has no natural children. Mr. Oliva was born July 1, 1941 in Mexico and Mrs. Oliva was born March 22, 1942 in Bolivia. He is a high school graduate and has an associate of arts degree in radiology. He is employed as a maintenance supervisor and earns approximately $2,000 per month. She is a high school graduate and has an associate of arts degree in accounting and is employed as a real estate salesperson and a cosmotologist. She has an income of approximately $800 per month. Their assets consist of a private home valued at about $125,000, in which they have equity of about $50,000. The adoptive father indicated that he has rental property valued at about $80,000 with equity of about $75,000. The adoptive mother indicated that she has income property valued at about $380,000, with equity of about $325,000. Their outstanding debts are approximately $120,000.

The adoptive mother of the beneficiaries is their natural aunt. She stated that her sister died on March 4, 1981 and her brother-in-law died on September 20, 1981. At the time of her sister's death, the adoptive mother stated that her sister asked her to care for the children. When the beneficiaries' father died, she attempted to obtain guardianship of the beneficiaries. This guardianship was granted in La Paz, Bolivia on December 20, 1982.

During the period of September 1981 to January 1983, the beneficiaries remained in Bolivia in the care of a housekeeper and were supported monetarily by their adoptive mother. The beneficiaries indicated that they have four aunts, their natural father's sisters, residing in Bolivia but these aunts did not want to care for them after the death of their parents. The adoptive mother indicated that

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she is the only living relative on their natural mother's side of the family and there are no other relatives.

The interested parties filed for adoption of Geovanna Rios and Robert Rios on May 11, 1984 in the Los Angeles County Superior Court, Los Angeles, California. To date, no final decision has been made by the court. There were discrepancies in the decree and it was returned. The interested parties must resubmit the necessary information to the court before the decision is finalized.

The adoption of the beneficiary, Edwin Rios, became final on January 22, 1985. Attached is a copy of the final decision.

Mr. Berman, the author of the bill, provided the following statement in support of this legislation.

STATEMENT OF REPRESENTATIVE HOWARD L. BERMAN ON H.R. 483 (RIOS PRIVATE RELIEF BILL)

H.R. 483 is a private bill whose passage will end a period of uncertainty in the lives of two orphans, Geovanna and Edwin Marcos Rios, by granting them permanent resident status in our country.

Graciela and Jose Rios, both citizens of Bolivia, died within six months of each other in 1981, leaving behind three children, Edwin (age 17), Geovanna (age 14), and Robert (age 11). The only relatives able and willing to accept the responsibility of caring for the children were Robert and Nellie Oliva, who are citizens of the United States and my constituents.

Mrs. Oliva went to Bolivia immediately after the father's death, handled all the funeral expenses, and began preparations to bring the children to the United States. Mrs. Oliva was advised by our Embassy in La Paz that she would have to adopt the children before seeking their entry. She applied for their adoption, but was unable to remain in Bolivia for the duration of the two-year process because she had a family here to take care of as well.

The Olivas supported the children completely, including clothing, food, and private schooling, while trying to expedite the adoption process. Through the efforts of their Bolivian attorney, they were finally granted guardianship and reunited with the children in January, 1983.

The adoptions of all three children have now been completed. Unfortunately, without passage of H.R. 483, Geovanna and Edwin will not be allowed to remain in our country with their adoptive parents since they attained the age of sixteen before the paperwork was done.

Mr. and Mrs. Oliva have proven themselves to be kind, loving and well-qualified parents. In their efforts to include these children in their family unit, they have frequently met frustration and bureaucratic delays. But their desire to do what is right and legal has not diminished.

The children have studied hard and done very well since coming to the United States. Geovanna is a senior at John

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Burroughs High School in Burbank, California, and Edwin is about to graduate from Los Angeles Valley College. In some respects, theirs is already a story of triumph over tragedy. I hope the distinguished members of this committee, however, will not forget that tragedy as the facts surrounding their situation are considered. Geovanna and Edwin, indeed, the entire Oliva family, merit the relief afforded by a private immigration bill, and I therefore urge your support of H.R. 483 to allow this family to remain together.

The adoption decrees follow:

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

No. AD 101540, Decree of Adoption (Adult)

IN THE MATTER OF THE ADOPTION OF EDWIN MARCOS RIOS AN ADULT PERSON

EDWIN MARCOS RIOS (NAME ON BIRTH CERTIFICATE)

The petition of Robert Oliva, Nelly S. Oliva and Edwin Marcos came on regularly to be heard on July 29, 1983, in Department 44, before Honorable Madeleine Flier, Judge presiding. There appearing before the court the petitioners, Robert Oliva, Nelly S. Oliva and Edwin Marcos Rios and the respective spouses of petitioners, who were examined by the court, each separately, from which examination it is found that the petitioner Edwin Marcos Rios, the person being adopted herein, is younger than petitioners, Robert Oliva and Nelly S. Oliva, the adopting parents herein, and that said petitioners are residents of the County of Los Angeles, State of California; that petitioners have heretofore and on or about the 1st day of June, 1983, entered into an agreement in writing wherein and whereby petitioners Robert Oliva and Nelly S. Oliva agreed to adopt petitioner Edwin Marcos Rios and the latter agreed to be adopted by the former, and the said parties agreed to assume toward each other the legal relation of parent and child and to have all of the rights and be subject to all the duties and responsibilities of that relationship; that the respective spouse of each petitioner herein has heretofore, in writing, duly consented to said adoption; and the court, after hearing the evidence, being satisfied and finding that the said adoption will be in the best interest of the parties and in the public interest, and that there is no reason why the petition should not be granted.

It is hereby ordered, adjudged and decreed that the petition herein be and hereby is granted and that said agreement of adoption is hereby approved, and that said petitioner, Edwin Marcos Rios shall be and is hereby adopted by petitioners herein Robert Oliva and Nelly S. Oliva, and that said EDWIN MARCOS RIOS shall hereafter be re-

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garded and treated in all respects as the child of Robert Oliva and Nelly S. Oliva and hereafter bear the birth name of Ewin Marcos Rios.

Dated: July 29, 1983.

MADELEINE I. FLIER,
Judge of the Superior Court.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

No. AD 101539, Decree of Adoption (Independent)

IN THE MATTER OF ADOPTION, PETITION OF: ROBERT OLIVA AND NELLY S. OLIVA

The petition of Robert and Nelly S. Oliva, husband and wife, for the adoption of the minor children named in the petition herein, came on regularly for hearing on 5-11-1984. Robert and Nelly S. Oliva appearing as attorneys for the petitioners; The petitioners and the said minor children appearing in person, and said persons having been examined separately by the court; and it appearing that the Los Angeles County Department of Adoptions has heretofore filed its written report recommending the granting of said petition, and evidence to the satisfaction of the court having been introduced, the court finds that:

All of the allegations in said petition are true: That the petitioners were married on January 12th. 1980, and ever since have been and now are husband and wife; each of them is an adult person and more than ten years older than said minor children.

The minor children who are subject to this petition were born:

Female child March 15, 1967 in La Paz, Bolivia

Male child March 6, 1970 in La Paz, Bolivia

That no consents are required under the facts of this case.

The petitioners have executed the requisite consent and agreement.

It is ordered that the petition is granted and said minor children are now the adopted children of petitioners ROBERT OLIVA and NELLY S. OLIVA and shall be in the custody of said petitioners and be regarded and treated in all respects as their own lawful children; that they shall sustain toward the children and the children toward them the legal relation of parents and children, and each respectively shall have all of the rights and be subject to all of the duties of natural parents and children; and that the name of said children shall henceforth be GEOVANNA GRACIELA RIOS and ROBERT JOSE RIOS.

Date: February 14, 1985.

MADELEINE I. FLIER,
Judge.

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BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 483, as amended, should be enacted and accordingly recommends that the bill do pass.

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